

A copy of this Notice of Removal will be filed with the State of Texas District Court, in Bexar County, and a copy of this Notice of Removal will also be served on Plaintiff. Atain is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal with the clerk of the 57th Judicial District Court of Bexar County, Texas.

An index of the exhibits to this Notice of Removal is attached hereto as **Exhibit A**. Attached hereto as **Exhibits B** and **C** are true and legible copies of the current docket sheet in the State Court Case and all process, pleadings, orders, and other papers or exhibits of every kind, including depositions, now on file in the State Court Case. A list of counsel of record in this case is attached hereto as **Exhibit D**.

Atain has filed contemporaneously with this Notice a civil cover sheet and the Supplement to JS44 Civil Cover Sheet for cases removed from state court.

Ground for Removal: Diversity

This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, in that this is a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different States.

A. The amount in controversy exceeds the federal minimum jurisdictional requirements.

Plaintiff has pled that it is seeking monetary relief over \$1,000,000. *See* Petition, para. 5, p. 2, a true and correct copy of which is attached as the first document in **Exhibit C**. Thus, the amount in dispute exceeds \$75,000, exclusive of interest and costs.

B. There is complete diversity between Plaintiff and Defendant.

Under the diversity statute, corporations “shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business....” 28 U.S.C. § 1332(c)(1).

Plaintiff was at the time of the filing of this action, has been at all times since, and still is a corporation organized under the laws of Texas, with its principal place of business in Texas. Accordingly, Plaintiff is a citizen of Texas for purposes of determining diversity jurisdiction.

Atain is a corporation organized under the laws of Michigan, with its principal place of business in Michigan. Accordingly, Atain is a citizen of Michigan for purposes of determining diversity jurisdiction.

Accordingly, complete diversity exists in this case and removal is proper because Plaintiff is a citizen of Texas and Atain is a citizen of Michigan.

WHEREFORE, Defendant Atain Specialty Insurance Company prays that the above-described action now pending in the 57th District Court in Bexar County, Texas, be removed to this Court.

Respectfully submitted,

/s/ Michael D. Feiler

MICHAEL D. FEILER

State Bar No. 24055475

MATT R. PICKELMAN

State Bar No. 24013328

**QUILLING, SELANDER, LOWNDS,
WINSLETT & MOSER, P.C.**

2001 Bryan Street, Suite 1800

Dallas, Texas 75201

(214) 871-2100

(214) 871-2111 (Fax)

mpickelman@qslwm.com

mfeiler@qslwm.com

**ATTORNEYS FOR DEFENDANT ATAIN
SPECIALTY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served upon all counsel of record via electronic means and in accordance with the Federal Rules of Civil Procedure on this 29th day of May, 2020.

/s/ Michael D. Feiler

Michael D. Feiler